

AMENDED IN ASSEMBLY JANUARY 4, 2000

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CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1519

Introduced by Assembly Member Floyd

February 26, 1999

An act to amend Sections 1203.5 and 1203.6 of the Penal Code, and to repeal Sections 270 and 271 of the Welfare and Institutions Code, relating to probation officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1519, as amended, Floyd. Probation officer.

Existing law establishes the office of adult probation officer, assistant adult probation officer, and deputy adult probation officer. The adult probation officer is appointed and removed by a judge or a majority of judges of the superior court as specified. Existing law also establishes the office of probation officer who is nominated by the juvenile justice commission or regional juvenile justice commission of the county and appointed by the judge of the juvenile court in that county, or pursuant to the provisions of a county charter in those counties with charters that provide a method of appointment and tenure for those offices.

This bill would instead establish the offices of the chief probation officer, assistant chief probation officer, and deputy probation officer. It would eliminate the provisions governing the appointment and removal of the adult probation officer

and juvenile probation officer and would *instead* require ~~instead~~, *except in specified counties*, that the chief probation officer be appointed by a majority of a *selection* committee made up of specified representatives from the probation department, the county board of supervisors, the county juvenile justice commission, a community-based organization, and the presiding judges of the superior and juvenile courts. The bill would also specify the minimum education and employment experience qualifications required for the chief probation officer, *except in specified counties*. By increasing the duties of local officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1203.5 of the Penal Code is
2 amended to read:

3 1203.5. The offices of chief probation officer, assistant
4 chief probation officer, and deputy probation officer are
5 hereby created.

6 SEC. 2. Section 1203.6 of the Penal Code is amended
7 to read:

8 1203.6. (a) The chief probation officer shall ~~be~~ be
9 appointed by a majority of a *selection* committee
10 comprised of the following people:

11 (1) ~~A representative from~~ An elected member of the
12 county board of supervisors.

1 ~~(2) A representative from management in the~~
2 ~~probation department.~~

3 ~~(3) A representative~~
4 (2) *A sworn probation officer, as described in Section*
5 *830.5, from the line staff in the probation department.*

6 ~~(4)~~
7 (3) A representative from the county juvenile justice
8 commission.

9 ~~(5)~~
10 (4) A representative from ~~the~~ a community-based
11 ~~organizations~~ organization.

12 ~~(6)~~
13 (5) The presiding judge of the superior court.

14 ~~(7)~~
15 (6) The presiding judge of the juvenile court.

16 (b) The chief probation officer shall meet the
17 following minimum qualifications:

18 (1) Graduation from an accredited four-year college
19 or university with a bachelor's degree in criminology,
20 corrections, counseling, psychology, social work, or a
21 closely related field.

22 (2) Employed for ~~15~~ 7 years in a full-time paid position
23 in the probation field ~~of which five years of that time shall~~
24 ~~have been~~ and three years in a management position.

25 (3) Satisfy the minimum standards specified in
26 Sections 1029 and 1031 of the Government Code for a
27 peace officer under Section 830.5, and any other
28 continuing requirements required by law.

29 (c) The salary of the probation officer shall be
30 established by the board of supervisors.

31 (d) The chief probation officer shall appoint and may
32 remove all assistants, deputies and other persons
33 employed in his or her department, and their
34 compensation shall be established, according to the merit
35 system or civil service system provisions of the county. If
36 no merit system or civil service system exists in the
37 county, the board of supervisors shall provide for
38 appointment, removal, and compensation of that
39 personnel.

1 (e) This section is applicable in every county in the
2 State of California, *except in counties having a population*
3 *of less than 75,000.*

4 SEC. 3. Section 270 of the Welfare and Institutions
5 Code is repealed.

6 SEC. 4. Section 271 of the Welfare and Institutions
7 Code is repealed.

8 SEC. 5. Notwithstanding Section 17610 of the
9 Government Code, if the Commission on State Mandates
10 determines that this act contains costs mandated by the
11 state, reimbursement to local agencies and school
12 districts for those costs shall be made pursuant to Part 7
13 (commencing with Section 17500) of Division 4 of Title
14 2 of the Government Code. If the statewide cost of the
15 claim for reimbursement does not exceed one million
16 dollars (\$1,000,000), reimbursement shall be made from
17 the State Mandates Claims Fund.

